

**Notice of Allowability**

Application No.

10/729,198

Applicant(s)

DRAPER ET AL.

Examiner

Thomas H. Parsons

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 14 May 2007.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7-10 and 12-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Response to Amendment***

This is in response to the Amendment filed 14 May 2007.

**(Previous) DETAILED ACTION**

***Oath/Declaration***

1. The objection to the oath as failing to identify the citizenship of each inventor has been **withdrawn** in view of Applicants' Amendment.

***Specification***

2. The objections to the disclosure because of the minor informalities have been **withdrawn** in view of Applicants' Amendment.

***Claim Objections***

3. The objections to claims 14 and 15 because of minor informalities have been **withdrawn** in view of Applicants' Amendment.

***Claim Rejections - 35 USC § 112***

6. The rejections of claims 2, 5, 10, 16 and 17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention have been **withdrawn** in view of Applicants' Amendment.

***Claim Rejections - 35 USC § 102***

8. The rejections of claims 1-6 and 15-17 under 35 U.S.C. 102(b) as being anticipated by Holmes et al. (U.S. Publication Number 2002/0110716 A1) have been **withdrawn** in view of Applicants' Amendment.

***Claim Rejections - 35 USC § 103***

10. The rejections of claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Holmes et al. (U.S. Publication Number 2002/0110716 A1) in view of Fischer et al. (U.S. Patent Number 3,718,506) have been **withdrawn** in view of Applicants' Amendment.

11. The rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. Publication Number 2002/0110716 A1) in view of WO 02/54519 (equivalent document to Akikusa et al. (U.S. Publication Number 2003/0134174 A1), relied upon for translation) has been **withdrawn** in view of Applicants' Amendment.

12. The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. Publication Number 2002/0110716 A1) in view of Draper et al. (U.S. Patent Number 4,664,986) has been **withdrawn** in view of Applicants' Amendment.

13. The rejections of claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes, et al. (U.S. Publication Number 2002/0110716 A1) and Fischer et al. (U.S. Patent Number 3,718,506) as applied to claim 9 above and further in view of WO 02/54519 (equivalent document to Akikusa et al. (U.S. Publication Number 2003/0134174 A1), relied upon for translation) has been **withdrawn** in view of Applicants' Amendment.

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14. The rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. Publication Number 2002/0110716 A1) and Fischer et al. (U.S. Patent Number 3,718,506) in view of Draper et al. (U.S. Patent Number 4,664,986) has been **withdrawn** in view of Applicants' Amendment.

15. The rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. Publication Number 2002/0110716 A1) in view of Fischer et al. (U.S. Patent Number 3,718,506) as applied to claim 9 above, and further in view of Gardener et al. (US Patent Number 5,486,428) has been **withdrawn** in view of Applicants' Amendment.

### ***Response to Arguments***

1. Applicants' arguments, see Remarks, pages 14 through 16, filed 14 May 2007, with respect to claims 1-17 have been fully considered and are persuasive. The rejections of the claims have been **withdrawn**.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

The claimed invention is directed to, inter alia, a high temperature solid oxide electrolyte fuel cell generator comprising an air feed conduit which discharges inlet air into the manifold feed plenum, and associated air feed tubes which connect in a sealed manner to the manifold feed plenum through at least one flexible air feed transport tube and a separate interior heat transfer zone, where the separate interior heat transfer zone has the air feed tubes passing therethrough to the fuel cells, where there is an annular space around the air feed tubes within the

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interior heat transfer zone to pass a combusted exhaust product stream from the reacted fuel-reacted air combustion chamber, the annular space connecting to a separate exhaust chamber above the interior heat transfer zone and below the air manifold feed plenum.

The prior art references of record do not teach or suggest the claimed air feed tubes which connect in a sealed manner to the manifold feed plenum through at least one flexible air feed transport tube and a separate interior heat transfer zone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Examiner Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas H. Parsons whose telephone number is (571) 272-1290. The examiner can normally be reached on M-F (7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**PATRICK JOSEPH RYAN**  
**SUPERVISORY PATENT EXAMINER**

Thomas H Parsons  
Examiner  
Art Unit 1745

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